



General Assembly

Substitute Bill No. 6707

January Session, 2005

* _____HB06707ET_____031505_____*

**AN ACT CONCERNING INFORMATION ON QUALITY OF CELL
PHONE SERVICE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) The Department of
2 Public Utility Control shall monitor and make public the quality of
3 cellular mobile telephone service in the state. Annually, each cellular
4 mobile telephone carrier shall provide a report to the department for
5 the twelve-month period ending August thirty-first of each year. Such
6 report shall provide information on dropped calls, blocked calls,
7 known coverage gaps, including average signal strength, dead zones,
8 predicted street level signal strength and any other matters the
9 department considers appropriate with respect to the quality of such
10 service in the state. The first such report shall be made no later than
11 October 1, 2006, and annually thereafter. The report shall be made in a
12 format and manner determined by the department.

13 (b) Not later than October 1, 2005, the department shall establish a
14 toll-free telephone number and an Internet web site at which members
15 of the public can submit to the department their comments and views
16 on the quality of cellular mobile telephone service in the state. The
17 department shall also accept such comments and views by mail. Not
18 later than October 1, 2005, and at least annually thereafter, each
19 cellular mobile telephone carrier shall, in a conspicuous manner, notify

20 each of its customers concerning such toll-free telephone number,
21 Internet web site address and the address of the department for
22 submitting such comments and views.

23 (c) Not later than January 1, 2007, and annually thereafter, the
24 department shall prepare a report on the quality of cellular mobile
25 telephone service in the state. The report shall be based on reports
26 received pursuant to subsection (a) of this section and other
27 information developed by the department, including information
28 received pursuant to subsection (b) of this section. The department
29 shall send a copy of the report to each such cellular mobile telephone
30 carrier and make it available to the public, on request, and on the
31 department's web site.

32 (d) There is established an account to be known as the "quality of
33 cell phone service account", which shall be a separate, nonlapsing
34 account within the General Fund. The Department of Public Utility
35 Control is authorized to use funds in the account only to administer
36 the provisions of this section.

37 (e) The department may, by regulations adopted in accordance with
38 the provisions of chapter 54 of the general statutes, establish
39 procedures to implement the provisions of this section. Any cellular
40 mobile telephone carrier that fails to comply with the provisions of this
41 section shall be subject to civil penalties in accordance with the
42 provisions of section 16-41 of the general statutes, as amended by this
43 act.

44 Sec. 2. Section 16-49 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective from passage*):

46 (a) As used in this section:

47 (1) "Company" means (A) any public service company other than a
48 telephone company, that had more than one hundred thousand dollars
49 of gross revenues in the state in the calendar year preceding the
50 assessment year under this section, except any such company not

51 providing service to retail customers in the state, (B) any telephone
52 company that had more than one hundred thousand dollars of gross
53 revenues in the state from telecommunications services in the calendar
54 year preceding the assessment year under this section, except any such
55 company not providing service to retail customers in the state, (C) any
56 certified telecommunications provider that had more than one
57 hundred thousand dollars of gross revenues in the state from
58 telecommunications services in the calendar year preceding the
59 assessment year under this section, except any such certified
60 telecommunications provider not providing service to retail customers
61 in the state, or (D) any electric supplier that had more than one
62 hundred thousand dollars of gross revenues in the state in the calendar
63 year preceding the assessment year under this section, except any such
64 supplier not providing electric generation services to retail customers
65 in the state;

66 (2) "Telecommunications services" means (A) in the case of
67 telecommunications services provided by a telephone company, any
68 service provided pursuant to a tariff approved by the department
69 other than wholesale services and resold access and interconnections
70 services, and (B) in the case of telecommunications services provided
71 by a certified telecommunications provider other than a telephone
72 company, any service provided pursuant to a tariff approved by the
73 department and pursuant to a certificate of public convenience and
74 necessity; and

75 (3) "Fiscal year" means the period beginning July first and ending
76 June thirtieth.

77 (b) On or before July 15, 1999, and on or before May first, annually
78 thereafter, each company shall report its intrastate gross revenues of
79 the preceding calendar year to the department, which amount shall be
80 subject to audit by the department. For each fiscal year, each company
81 shall pay the Department of Public Utility Control the company's share
82 of all expenses of the department and the Office of Consumer Counsel
83 for such fiscal year. On or before September first, annually, the

84 department shall give to each company a statement which shall
85 include: (1) The amount appropriated to the department and the Office
86 of Consumer Counsel for the fiscal year beginning July first of the
87 same year; (2) the total gross revenues of all companies; and (3) the
88 proposed assessment against the company for the fiscal year beginning
89 on July first of the same year, adjusted to reflect the estimated payment
90 required under subdivision (1) of subsection (c) of this section. Such
91 proposed assessment shall be calculated by multiplying the company's
92 percentage share of the total gross revenues as specified in subdivision
93 (2) of this subsection by the total revenue appropriated to the
94 department and the Office of Consumer Counsel as specified in
95 subdivision (1) of this subsection.

96 (c) Each company shall pay the department: (1) On or before June
97 thirtieth, annually, an estimated payment for the expenses of the
98 following year equal to twenty-five per cent of its assessment for the
99 fiscal year ending on such June thirtieth, (2) on or before September
100 thirtieth, annually, twenty-five per cent of its proposed assessment,
101 adjusted to reflect any credit or amount due under the recalculated
102 assessment for the preceding fiscal year, as determined by the
103 department under subsection (d) of this section, provided if the
104 company files an objection in accordance with subsection (e) of this
105 section, it may withhold the amount stated in its objection, and (3) on
106 or before the following December thirty-first and March thirty-first,
107 annually, the remaining fifty per cent of its proposed assessment in
108 two equal installments.

109 (d) Immediately following the close of each fiscal year, the
110 department shall recalculate the proposed assessment of each
111 company, based on the expenses, as determined by the Comptroller, of
112 the department and the Office of Consumer Counsel for such fiscal
113 year. On or before September first, annually, the department shall give
114 to each company a statement showing the difference between its
115 recalculated assessment and the amount previously paid by the
116 company.

117 (e) Any company may object to a proposed or recalculated
118 assessment by filing with the department, not later than September
119 fifteenth of the year of said assessment, a petition stating the amount of
120 the proposed or recalculated assessment to which it objects and the
121 grounds upon which it claims such assessment is excessive, erroneous,
122 unlawful or invalid. After a company has filed a petition, the
123 department shall hold a hearing. After reviewing the company's
124 petition and testimony, if any, the department shall issue an order in
125 accordance with its findings. The company shall pay the department
126 the amount indicated in the order not later than thirty days after the
127 date of the order.

128 (f) The department shall remit all payments received under this
129 section attributable to such companies to the State Treasurer for
130 deposit in the Consumer Counsel and Public Utility Control Fund
131 established under section 16-48a. [Such funds] Payments attributable
132 to such companies and payments received pursuant to subsection (k)
133 of this section shall be accounted for as expenses recovered from
134 public service companies, [and] certified telecommunications
135 providers and cellular mobile telephone carriers. All payments made
136 under this section shall be in addition to any taxes payable to the state
137 under chapters 211, 212, 212a and 219.

138 (g) Any assessment unpaid on the due date or any portion of an
139 assessment withheld after the due date under [subsection] subsections
140 (c) and (k) of this section shall be subject to interest at the rate of one
141 and one-fourth per cent per month or fraction thereof, or fifty dollars,
142 whichever is greater.

143 (h) Any company or cellular mobile telephone carrier that fails to
144 report in accordance with this section shall be subject to civil penalties
145 in accordance with section 16-41.

146 (i) On or before July 15, 2005, and on or before May first, annually
147 thereafter, each cellular mobile telephone carrier, described in section
148 16-250b, shall report its intrastate gross revenues of the preceding

149 calendar year to the department, which amount shall be subject to
 150 audit by the department. For each fiscal year, each carrier shall pay the
 151 Department of Public Utility Control the carrier's share of all expenses
 152 of the department to administer the activities set forth in section 1 of
 153 this act and the activities with respect to such carrier set forth in this
 154 section.

155 (j) On or before September first, annually, the department shall give
 156 to each such carrier a statement which shall include (1) the total gross
 157 revenues of all carriers, and (2) the proposed assessment against the
 158 carrier for the fiscal year beginning on July first of the same year,
 159 adjusted to reflect the estimated payment required under subdivision
 160 (1) of subsection (c) of this section. Such proposed assessment shall be
 161 calculated by multiplying the carrier's percentage share of the total
 162 gross revenues as specified in subdivision (1) of this subsection by the
 163 estimated expenses of the department for the fiscal year to administer
 164 the activities set forth in section 1 of this act and the activities with
 165 respect to such carrier set forth in this section.

166 (k) Each carrier shall pay the department estimated expense as
 167 provided in subsection (c) of this section and the proposed assessment
 168 for each carrier shall be recalculated following the close of the fiscal
 169 year as provided in subsection (d) of this section to reflect the expenses
 170 of the department for the fiscal year to administer the activities set
 171 forth in section 1 of this act and the activities with respect to such
 172 carrier set forth in this section. The department shall remit all
 173 payments received from such cellular mobile telephone carriers to the
 174 State Treasurer for deposit in the quality of cell phone service account
 175 established pursuant to subsection (d) of section 1 of this act.

176 Sec. 3. Subsection (a) of section 16-41 of the general statutes is
 177 repealed and the following is substituted in lieu thereof (*Effective from*
 178 *passage*):

179 (a) Each (1) public service company and its officers, agents and
 180 employees, (2) electric supplier or person providing electric generation

181 services without a license in violation of section 16-245, and its officers,
 182 agents and employees, (3) certified telecommunications provider or
 183 person providing telecommunications services without authorization
 184 pursuant to sections 16-247f to 16-247h, inclusive, and its officers,
 185 agents and employees, (4) person, public agency or public utility, as
 186 such terms are defined in section 16-345, subject to the requirements of
 187 chapter 293, (5) person subject to the registration requirements under
 188 section 16-258a, [and] (6) each cellular mobile telephone carrier, as
 189 described in section 16-250b, and (7) company, as defined in section 16-
 190 49, shall obey, observe and comply with all applicable provisions of
 191 this title, section 1 of this act and each applicable order made or
 192 applicable regulations adopted by the Department of Public Utility
 193 Control by virtue of this title or section 1 of this act so long as the same
 194 remains in force. Any such company, electric supplier, certified
 195 telecommunications provider, cellular mobile telephone carrier,
 196 person, any officer, agent or employee thereof, public agency or public
 197 utility which the department finds has failed to obey or comply with
 198 any such provision of this title, section 1 of this act, order or regulation
 199 shall be fined by order of the department in accordance with the
 200 penalty prescribed for the violated provision of this title or, if no
 201 penalty is prescribed, not more than ten thousand dollars for each
 202 offense except that the penalty shall be a fine of not more than forty
 203 thousand dollars for failure to comply with an order of the department
 204 made in accordance with the provisions of section 16-19 or 16-247k or
 205 within thirty days of such order or within any specific time period for
 206 compliance specified in such order. Each distinct violation of any such
 207 provision of this title, section 1 of this act, order or regulation shall be a
 208 separate offense and, in case of a continued violation, each day thereof
 209 shall be deemed a separate offense. Each such penalty and any interest
 210 charged pursuant to subsection (g) or (h) of section 16-49 shall be
 211 excluded from operating expenses for purposes of rate-making.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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Sec. 2	<i>from passage</i>	16-49
Sec. 3	<i>from passage</i>	16-41(a)

Statement of Legislative Commissioners:

Section 1 was rewritten for clarity and throughout the bill "service carrier" was changed to "carrier" for consistency with statutory provisions.

ET *Joint Favorable Subst.*